

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

NICHOLAS A. BASBANES and NICHOLAS
NGAGOYEANES (professionally known as
Nicholas Gage), individually and on behalf of all
others similarly situated,

Plaintiff

Case Number

vs.

1:24-cv-84

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI GP, L.L.C., OPENAI HOLDINGS, LLC,
OAI CORPORATION, LLC, OPENAI GLOBAL,
LLC, OPENAI, L.L.C., and OPENAI OPCO, LLC,

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Jonathan Alter, Kai Bird, Taylor Branch, Rich
Cohen, Eugene Linden, Daniel Okrent, Julian
Sancton, Hampton Sides, Stacy Schiff, James
Shapiro, Jia Tolentino, and Simon Winchester, on
behalf of themselves and all others similarly situated

Plaintiff

Case Number

vs.

1:23-cv-10211

OpenAI, Inc., OpenAI GP, LLC, OpenAI
LLC, OpenAI OpCo LLC, OpenAI Global
LLC, OAI Corporation, LLC, OpenAI
Holdings, LLC, and Microsoft Corporation

Defendant

IH-32

Rev: 2014-1

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☒

Open

(If so, set forth procedural status and summarize any court rulings.)

This class action for copyright infringement against OpenAI was filed on November 21, 2023 on behalf of non-fiction authors. The complaint alleges that OpenAI committed "largescale infringement of their copyrighted works." See ECF 26 at 5, 23-cv-10211 (Dec. 19, 2023). Plaintiffs filed an Amended Complaint on December 19, 2023.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

In both suits, the central claims challenge the use of Plaintiffs' copyrighted material to train AI large language models. Both cases name Microsoft Corporation and various OpenAI entities as defendants. The basic legal theories, causes of action, sources of liability, relief requested, basis of jurisdiction, and factual allegations regarding Defendants' conduct advanced in both complaints are also similar. One of the key differences, however, is that the newly filed suit is brought on behalf of writers more broadly, whereas Plaintiffs in the earlier-filed suit are only filing on behalf of those with copyrights in works of non-fiction.

Signature: /s/ Michael P. Richter Date: 01/05/2024
 Grant Herrmann Schwartz & Klinger LLP

Firm: _____